

REMARKS

The Examiner has rejected claim 2 under 35 USC, 112 second paragraph, as being indefinite because the phrase "can be" prevents the determination of the metes and bounds of the desired patent protection.

The Applicant has amended claim 2, substituting the phrase "is" in amended claim 2, for the phrase "can be" in previous claim 2. As amended, the Applicant respectfully submits that claim 2 is now definite and in compliance with 35 U.S.C., 112 second paragraph.

The Examiner has rejected claims 1-6 under 35 USC 103 as unpatentable over Hurter et al (US 6,302,997) in view of El Shall (US 6,632,327). In particular, that all the elements of claim 1 are disclosed by Hurter, except for the precipitation of silicate from the filtrate, and that El Shall discloses the acidification of filtrate to precipitate silicate and the removal of the silicate. The Examiner has also stated that El Shall disclosure, that the acidification of the alkaline spent digestion liquor produces a gelatinous or gummy mass that cannot be separated from the liquor in a practical manner (see US 6,632,372, column 3, lines 3-16), provides motivation for the one of ordinary skill in the art to combine the teachings of Hurter and El Shall obtain Applicant's invention as specified in claim 1.

Applicant respectfully traverses on the basis that Hurter does not disclose desilication at the pre-pulping stage, that is, prior to alkaline extraction of lignin (see US 6,302,997, Figure 2, steps 40-48). Furthermore, El Shall discloses desilication from the filtrate of the alkaline extraction of lignin, which typically requires elevated temperatures and pressures (see US 6,632,327, column 1, line 38). Applicant's pre-pulping step does not include the elevated temperatures and pressures typically required for the alkaline extraction of lignin. Therefore, a mild alkaline digestion sufficient for the extraction of silica, separate from the extraction of lignin which occurs during pulping, is not disclosed nor suggested by Hurter and El Shall.

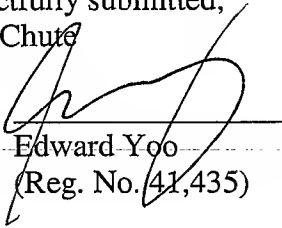
Therefore, as amended, Applicant respectfully submits that claims 1-6 comply with 35 USC 103 and are patentable over Hurter et al (US 6,302,997) in view of El Shall (US 6,632,327).]

CONCLUSION

Applicant submits that claims 1-6 are now in condition for allowance, and allowance is respectfully requested.

Respectfully submitted,
Wade Chute

By



Edward Yoo
(Reg. No. 41,435)

CORRESPONDENCE ADDRESS Customer No. 22828